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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,181	07/08/2002	Hitoshi Kitayoshi	KITANO.012AUS	1349

7590 08/19/2003
Muramatsu & Associates
Suite 225
7700 Irvine Center Drive
Irvine, CA 92618

EXAMINER

WACHSMAN, HAL D

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,181

Applicant(s)

KITAYOSHI, HITOSHI

Examiner

Hal D Wachsman

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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10019181

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

9

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Hal D Wachsman
Primary Examiner
Art Unit: 2857

1. The drawings are objected to because Figures 4A, 4B, 6 and 7 were known in the prior art (see Background Art section and the Brief Description of the Drawings) but have not been labeled as "Prior Art". Appropriate correction is required.
2. The Abstract is objected to because it contains purported merits (i.e. "Thus, measured noises..can be properly removed"). In addition, the Examiner respectfully notes that there are grammatical errors in the Abstract such as "a magnetic fields" in lines 2-3 of the Abstract. Appropriate correction is required.
3. The Brief Description of the Drawings is objected to because the Brief needs to indicate that those drawings cited in paragraph 1 above are prior art. The Brief Description of the Drawings (as well as other location(s) of the specification) refers to a Figure 4 however there are actually Figures 4A and 4B. The Brief refers to a Figure 5 (as well as other location(s) of the specification) however there are actually Figures 5A and 5B. Appropriate correction is required.
4. The last paragraph on page 16 to the top of page 17 of the specification states the following:

"In the above-described embodiment, a shift amount for minimizing an accumulated values of spatial frequency power spectra is utilized to remove measuring noises, but a shift amount for minimizing an accumulated value of spatial frequency power spectra may not be used. In the present embodiment, as a most desirable state, a shift amount for minimizing an accumulated value of spatial frequency power spectra is used."

There is some confusion in what is stated above because the first part of this section indicates that the shift amount as described can be utilized for removing noises but then right after that the opposite is indicated that the shift amount described may not be used. Then at the end of this section it states that the shift amount is used.

Appropriate correction/explanation is required.

5. Claim 11 is objected to under 37 C.F.R. 1.75(i) because each step of the claim is not separated by a line indentation. As claim 11 is written, it is not clear exactly where each step of the claim begins and ends. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 11-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11, line 6, cites "a measuring timing" however a measuring timing of what exactly is being referred to here ? This same type of problem also occurs in claim 23, line 12, claim 24, lines 5-6. The last 3 lines of claim 11 state "...and a distribution of the electric field or the magnetic field is measured in consideration of the shift amount" however this does not particularly point out how exactly the shift amount is being used with respect to the measurement of the electric field or the magnetic field. This same type of problem also occurs in the last 4 lines of

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claim 23. Claim 14, lines 3-4, cite "a point" however is this referring to a sampling point ? This same type of problem also occurs in claims 15 and 16, lines 3-4. Claims 17 and 18, lines 3-4, cite "the shift amount of the sampling points is computed in consideration of acceleration and deceleration of the probe" however this does not particularly point out how exactly the acceleration and deceleration of the probe is being used with respect to the computation of the shift amount of the sampling points. Claim 23, line 12, cites "...based on data stored in the storing unit" however is this the same data previously referred to in line 7 of this claim ? In claim 23, line 14, it appears that the word "a" is missing before "computing unit".

8. The following references are cited as being art of general interest: Masuda et al. which disclose bidimensional electromagnetic emission level monitoring equipment, Uesaka et al. which disclose the detection and analyzing of electromagnetic waves using probes, Wiese which discloses mapping printed circuit fields and Uesaka which discloses an electromagnetic wave source probing device.

9. No claims are allowed.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 703-305-9788. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
August 10, 2003